

### **REMARKS**

Claims 1-8 are pending. Claims 1 and 6 have been amended. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Entry of this Amendment is respectfully requested since no new issues are raised and it places the application in condition for allowance.

#### ***Claim Rejections Under 35 U.S.C. § 102***

Claims 1, 2, and 6 were rejected under 35 U.S.C. § 102(e) over Takano (U.S. Patent No. 5,924,043). Applicants respectfully traverse this rejection.

Amended claim 1 recites, in part, an apparatus for controlling uplink transmitting power in a CDMA mobile station, that includes a channel estimator detecting a power magnitude and/or a phase of a specific channel of received downlink signals based on the received downlink signals and a speed estimator estimating a moving speed of the CDMA mobile station based on the detected power magnitude and/or phase. The Office Action alleges that the power controller 190a in Takano Figure 10 discloses these features of claim 1. Specifically, the Office Action alleges that the controller 190a receives a plurality of TPC bits from a base station 101 and that a speed detector 192 detects the speed of the mobile unit. Applicants respectfully disagree.

As recited in claim 1, the present invention uses a specific channel of received downlink signals to determine a power magnitude of the received downlink signal and that the speed is estimated based on the detected power magnitude. Takano merely discloses receiving TPC bits and accumulating the TPC bits. TPC bits are generated at the base station based on an estimation of the received signal strength at the base station. Takano accumulates the TPC bits in an accumulator 114 which is a part of the speed detector 192 and counts the TPC bits to select a step size. See, for example, Column 13, lines 35-50. Accumulating and counting TPC bits to determine a step size is not the same as using a specific channel of received downlink signals to determine a power magnitude of the received downlink signal. Accordingly, Takano fails to teach or suggest, an apparatus for controlling uplink transmitting power in a CDMA mobile station, that includes a channel estimator detecting a power magnitude and/or a phase of a specific channel of received downlink signals based on the received downlink signals and a speed estimator estimating a

moving speed of the CDMA mobile station based on the detected power magnitude and/or phase, as recited in amended claim 1.

Claim 6 is believed allowable for at least the same reasons presented above because claim 6 recites a method of controlling uplink transmitting power in a CDMA communication system, that includes receiving downlink signals and detecting a power magnitude and/or a phase of a specific channel of the received downlink signals based on the received downlink signals, and as discussed above with respect to claim 1, Takano fails to teach or suggest such a feature.

Claim 2 is believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of its dependence upon claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

#### ***Allowable Subject Matter***

Applicants appreciate the Examiner's indication that claim 8 is allowable and that claims 3-5 and 7 contain allowable subject matter and would be allowable if rewritten in independent form to include all of the features of their base claim and any intervening claims. However, in view of the foregoing, Applicants submit that all of the claims (claims 1-8) are allowable.


#### ***Conclusion***

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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